

REMARKS

The present application was filed November 21, 2001, and claims priority to PCT application Serial No. PCT/US00/15422, filed June 2, 2000, which claims priority to U.S. provisional application Serial No. 60/137,094, filed June 2, 1999. In a Preliminary Amendment filed concurrently with the present application, page 1 of the application was amended to make reference to the above-noted PCT application.

Claims 1-32 are pending in the present application, with claims 1, 13, 16, 17, 20 and 21 being the independent claims.

In this response, Applicants traverse the §102(e) and §103(a) rejections, and amend independent claims 13, 16 and 17. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Claim 17 has been amended to overcome the objection raised by the Examiner.

Applicants initially note with regard to the §103(a) rejection of claims 9 and 20 over U.S. Patent No. 6,167,469 (hereinafter "Safai '469") in view of U.S. Patent No. 6,433,818 (hereinafter "Steinberg"), that Steinberg has a filing date of July 15, 1999. As noted above, the present application has a priority date of June 2, 1999. Steinberg is identified at column 1, lines 4-8, thereof as being a continuation-in-part of three prior applications filed November 6, 1998, December 14, 1998 and May 17, 1999. However, the Examiner has not demonstrated that the particular portions of Steinberg relied upon in formulating the rejection are in fact entitled to one or more of the November 6, 1998, December 14, 1998 and May 17, 1999 priority dates of the prior applications. The Related U.S. Application Data printed on the cover page of Steinberg appears to be in error, in that it states that the November 6, 1998 application is a continuation of a later-filed application, which is not possible, and in that it conflicts with the statement at column 1, lines 4-8. Accordingly, a proper *prima facie* case of obviousness over the proposed combination of Safai '469 and Steinberg has not been made, and the §103(a) rejection of claims 9 and 20 should be withdrawn.

Applicants further note with regard to the §103(a) rejection of claim 25 over U.S. Patent No. 6,715,003 (hereinafter “Safai ‘003”), U.S. Patent No. 5,806,072 (hereinafter “Kuba”) and U.S. Patent No. 6,496,222 (hereinafter “Roberts”), that Safai ‘003 has a filing date of February 14, 2000. Although Safai ‘003 is a continuation-in-part of a prior application filed May 18, 1998, the Examiner has not demonstrated that the particular portions of Safai ‘003 relied upon in formulating the rejection are in fact entitled to the May 18, 1998 priority date of the prior application. Accordingly, a proper *prima facie* case of obviousness over the proposed combination of Safai ‘003, Kuba and Roberts has not been made, and the §103(a) rejection of claim 25 should be withdrawn.

Claims 1-5, 8, 11 and 16-19 stand rejected under §102(e) as being anticipated by Safai ‘469. Applicants respectfully traverse.

The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the Examiner has failed to establish anticipation of claims 1-5, 8, 11 and 16-19 by Safai ‘469.

Independent claim 1 is directed to a digital camera for capturing digital images and organizing the captured images for subsequent transfer from the digital camera to an external device that utilizes the digital images. The digital camera includes means for providing a database having a plurality of customized profiles, wherein each customized profile contains a plurality of image utilization fields, and means for selecting one of the customized profiles from the database. Also, the claim recites means for defining a plurality of profile indices respectively corresponding to ones of the plurality of customized profiles, and means for associating a profile index

with at least one captured image to identify the corresponding selected customized profile.

Examples of the claimed customized profiles, each containing a plurality of image utilization fields, are shown in FIGS. 3A and 3B of the drawings. It can be seen that each of these example customized profiles includes multiple image utilization fields, such as a destination directory field, a filename preface field, and an image editing application software field.

The Safai '469 reference fails to teach or suggest the above-noted limitations of claim 1. For example, Safai '469 fails to teach or suggest a plurality of customized profiles, each of which contains a plurality of image utilization fields, with selection of one of the profiles leading to association of a corresponding profile index with a particular captured image.

The Examiner in formulating the §102(e) rejection argues that a customized profile of the type recited in claim 1 is shown in FIG. 4F of Safai '469. However, the arrangement shown in FIG. 4F of Safai '469 is not a customized profile which has a corresponding profile index and is selectable from a plurality of customized profiles in the manner recited in the claim. Instead, FIG. 4F of Safai '469 shows a Send Message screen 454 which is generated by a transport application 230 of a digital camera 100 in response to user activation of the Send Photo button 408 in FIG. 4A. See Safai '469 at column 12, lines 1-4 and 36-37. Apparently, in a given embodiment of Safai '469, the same Send Message screen 454 is presented to the user each time the button 408 is activated, and the user must populate the various fields. The present invention as set forth in claim 1 advantageously avoids this need to re-enter information, by providing an ability to associate selected ones of a plurality of customized profiles with captured images.

Moreover, claim 1 recites that the image utilization fields of a customized profile identify respective instructions for utilization of one or more digital images by the external device. The Examiner alleges that elements 466, 468, 470 and 472 constitute image utilization fields as claimed. However, these elements relate to instructions for the digital camera, and not instructions for an external device. This is apparent from, for example, column 12, lines 50-60, which indicate that box 470 when

checked causes the transport application 230 of digital camera 100 to transmit a voice message, and that box 472 when checked causes the transport application 230 of digital camera 100 to delete the identified images from digital camera 100 after they are sent. Accordingly, elements 466, 468, 470 and 472 identify instructions for utilization of digital images by the digital camera 100, and not instructions for utilization of digital images by an external device.

Independent claim 1 and its associated dependent claims are therefore believed to be allowable over Safai '469.

Independent claims 16 and 17 also recite customized profiles, each having a plurality of image utilization fields, and are believed allowable for reasons similar to one or more of those identified above with regard to claim 1.

Thus, the §102(e) rejection is believed to be improper, and should be withdrawn.

Notwithstanding the traversal, claim 16 has been amended to clarify that the particular one of the customized profiles is selected for the at least one image by storing in association with the at least one image a corresponding profile index that identifies said profile from among the plurality of customized profiles. Support for the amendment can be found in the specification at, for example, page 6, lines 5-10.

With regard to the §103(a) rejection of claims 13-15 over Kuba in view of Roberts, Applicants respectfully traverse. Independent claim 13 calls for a digital camera for capturing digital images and organizing the captured images for subsequent transfer from the digital camera to an external device that utilizes the digital images. The digital camera includes, among other elements, means for storing a plurality of software application program identifiers which identify corresponding software application programs which are resident on the external device, a user interface for selecting one of the plurality of software application program identifiers to be associated with at least one captured image, and storage means for receiving and storing the at least one captured image and the associated software application program identifier.

Examples of the claimed software application program identifiers can be seen in the "RunApp" fields of the profiles of FIGS. 3A and 3B. These fields identify

particular software application programs to be run on the external device for processing one or captured images.

The Examiner acknowledges that Kuba fails to meet the software application program identifier limitations of claim 13, but argues that such limitations are shown in Roberts. More specifically, the Examiner relies on data diskette 50 in FIG. 2A of Roberts, which stores an indication as to whether the camera is operating in a manner compliant with an IBM computer, an Apple computer, or some other type of device. However, such a selection does not identify a particular one of a plurality of software application programs resident on the external device. Instead, the selection simply identifies whether the external computer runs a particular type of operating system, such as IBM or Apple. The selection is made using a mode switch 17 on digital camera 2, as shown in FIG. 6. Those skilled in the art of computer science will recognize that selecting a camera operating mode based on the overall operating system of an external device, as described in Roberts, does not involve identification of a particular one of a plurality of available software application programs, resident on an external device, for use with one or more captured images, as claimed.

The §103(a) rejection over Kuba and Roberts is therefore believed to be improper, and should be withdrawn.

Notwithstanding the traversal, Applicants have amended independent claim 13 to clarify that the software application program identifiers are stored within respective customized profiles selectable via the user interface. The claim as amended further recites that the selected one of the plurality of software application program identifiers is associated with the at least one captured image by storing an identifier of the corresponding customized profile with the at least one captured image. Support for the amendment can be found in the specification at, for example, page 7, lines 14-22.

Claims 21-24 and 26-32 stand rejected under §103(a) over Safai '469 in view of Kuba. Applicants respectfully traverse.

Independent claim 21 recites, among other limitations, modifying a transferred image file in an external device in accordance with a set of image utilization fields, and storing the modified transferred image file in a destination directory in the external device defined by one of the image utilization fields. The Examiner argues

that certain of the elements in the Send Message screen 454 of FIG. 4F in Safai '469 meet these limitations. However, as Applicants described above in the context of claim 1, the identified elements of the Send Message screen 454, including elements 466, 468, 470 and 472, provide instructions to the digital camera 100, and not to an external device. Moreover, these elements from FIG. 4F in Safai '469 do not relate to transferred image file modification in an external device or defining a destination directory in an external device, as required by the claim limitations at issue. The Kuba reference fails to supplement these fundamental deficiencies of Safai '469 as applied to claim 21. Accordingly, the proposed combination of Safai '469 and Kuba fails to meet the limitations of claim 21.

The §103(a) rejection of claim 21 and its associated dependent claims is therefore believed to be improper, and should be withdrawn.

If there are any formal matters remaining after this response, Applicants' attorney would appreciate a telephone call to attend to these matters.

In view of the foregoing, this application is believe to be in condition for allowance, the notice of which is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this communication is enclosed.

Respectfully submitted,



Mark G. Bocchetti
Attorney for Applicant(s)
Registration No. 31,330

PRC:cjm
Telephone: (585) 477-0553
Facsimile: (585) 477-4646